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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,) CR-10-00567 JSW
12 Plaintiff,) STIPULATION AND ~~PROPOSED~~
13 v.) ORDER CONTINUING STATUS
14 MATTHEW WILLIAMS,) DATE FROM FEBRUARY 17, 2011
15 Defendant.) TO MARCH 24, 2011 AND
16) EXCLUDING TIME UNDER 18 U.S.C.
17) § 3161
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STIPULATION

This case was reassigned from Judge Walker to this Court and the parties previously requested that the matter be calendared on February 17, 2011 for the first appearance before this Court. However, based on the status of the case and for reasons detailed in this stipulation, the parties jointly request that the matter be continued to March 24, 2011 at 2:00 p.m. or some other date thereafter convenient to the Court.

Mr. Williams is charged with violating 18 U.S.C. § 1344(2), bank fraud, for activity in connection with his business from June, 2007 to July, 2008. The government has produced approximately 1,500 pages of discovery. The defense believes that in order to effectively represent

1 Mr. Williams, it will need to obtain additional documents through Rule 17 subpoenas. The defense
2 anticipates that it may provide some or all of the documents it seeks to subpoena to the government
3 in order to reach a resolution in the case. The defense anticipates submitting the subpoena request to
4 the Court within the next day.

5 New counsel for the government, AUSA Timothy Lucey, is in the process of substituting in as
6 counsel of record for the government in this case and will be filing a notice of appearance within the
7 next day. Due to undersigned defense counsel's upcoming maternity leave, defendant Mr. Williams
8 will also be represented by new counsel (another attorney within the Federal Defender's Office) by
9 the end of this week; new counsel will need to familiarize himself/herself with Mr. Williams' case
10 and the discovery.

11 The parties are requesting a status date of March 24, 2011. However, in the event that the
12 Court wishes to see the parties earlier than that date, the parties request that the Court calendar the
13 case for March 10, 2011.

14 Mr. Williams is out of custody and concurs in the request for a continuance of the status date.

15 The parties are discussing a resolution of the case and if they reach a resolution before March
16 24, 2011, would contact the Court to set an appropriate date on the Court's calendar.

17 The parties also agree that the time between February 17, 2011 and March 24, 2011 should be
18 excluded under the Speedy Trial Act; the continuance is necessary for effective preparation of
19 counsel and continuity of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of
20 justice served by granting such a continuance outweigh the best interests of the public and the

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1 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2 SO STIPULATED:

3 MELINDA HAAG
4 United States Attorney

5 DATED: February 15, 2011

/s/

6 TIMOTHY LUCEY
7 Special Assistant United States Attorney

8 DATED: February 15, 2011

/s/

9 SHAWN HALBERT
10 Assistant Federal Public Defender

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12 **[PROPOSED] ORDER**

13 For the reasons stated above, the Court continues the status hearing before this Court from
14 February 17, 2011 to March 24, 2011 at 2:00 p.m. Further, the Court finds that an exclusion of time
15 under the Speedy Trial Act of the time between February 17, 2011 to March 24, 2011 is appropriate
16 because the failure to grant the requested continuance would deny the defense effective preparation
17 and continuity of counsel; thus, the ends of justice served by the continuance outweigh the best
18 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(7)(A), (h)(7)(B)(iv).

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20 SO ORDERED.

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22 DATED: February 16, 2011

23 
24 THE HONORABLE JEFFREY S. WHITE
25 United States District Court